



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

*Mitchell E. Daniels, Jr.*  
Governor

*Thomas W. Easterly*  
Commissioner

100 North Senate Avenue  
Indianapolis, Indiana 46204  
(317) 232-8603  
Toll Free (800) 451-6027  
[www.idem.IN.gov](http://www.idem.IN.gov)

May 14, 2010

Mr. Darren McClellan  
Aigner Construction  
944 Baker Road  
Boonville, Indiana

Dear Mr. McClellan:

Re: NPDES General Permit No. ING040248  
Aigner Construction AML Site 196- Floyd Cemetery  
Intersection of CR 650 N and Folsomville Road  
Northeast of Boonville, Indiana  
Warrick County

Our office has received your Notice of Intent (NOI) submittal in regards to the above-referenced facility. We are pleased to inform you that the submittal is sufficient to comply with the NOI requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing, and Reclamation Activities. The general permit rule requirements are contained in 327 IAC 15-1 through 15-4 and 15-7. These rules are enclosed for your review. Please review them carefully to ensure your facility is in compliance with all applicable regulations.

At this time, a NPDES general permit identification number is being assigned to each facility that has submitted a NOI letter to comply with 327 IAC 15-7. Due to the fact that 327 IAC 15-7 is a permit by rule, you will NOT be receiving an actual permit. The general permit number will be used as an identification number and should be included on all correspondence submitted to IDEM in relation to this NPDES general permit.

The NPDES general permit number which has been assigned to this facility is:

**ING040248.**

General permit rule 327 IAC 15-7 requires periodic reporting of several effluent parameters. Reporting is to be done using the enclosed state discharge monitoring report form. We have included enough forms to establish a supply several months of reporting. You should duplicate this form as needed for further reporting. This form is also available on the internet at the following web site:

<http://www.in.gov/idem/5104.htm>

Mr. Darren McClellan

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Additionally, you will soon be receiving a supply of the computer generated preprinted federal NPDES DMR forms. Both the state and federal forms need to be completed and submitted on a routine basis. If you do not receive the preprinted DMR forms in a timely manner, please call this office at 317/232-8670.

Coverage for the facility under 327 IAC 15-7, which will include all outfalls listed on Attachment 1 to this correspondence, shall become effective on June 1, 2010, unless a person aggrieved or adversely affected by the acceptance appeals this decision. Coverage under this general permit rule expires on May 31, 2015. In order to receive authorization to discharge beyond the date of expiration, the permittee shall submit such information and forms as required by the Indiana Department of Environmental Management no later than ninety (90) days prior to the date of expiration.

Please note that any person who is adversely affected or aggrieved by this acceptance for coverage under the cited NPDES general permit rule may, within eighteen (18) days from the mailing date of this notification, appeal this acceptance by filing a written petition for administrative review with the Office of Environmental Adjudication, in accordance with IC 4-21.5-3-7. This petition constitutes a request for an adjudicatory hearing. The procedure for appeal is outlined in more detail on the attached page.

The Office of Environmental Adjudication will provide parties who request review of this acceptance for coverage with notice of prehearing conferences, preliminary hearings, hearing, and stays or orders disposing of all proceedings. Nonparties may receive such notices without intervening and formally becoming parties in the proceeding by requesting copies of such notices from the Office of Environmental Adjudication.

Please note that in accordance with 327 IAC 15-7-5(c), IDEM shall public notice its decision to accept your facility for coverage under the general permit rule.

If you have any questions regarding this letter, please contact Ms. Sheri L. Jordan at 317/232-8703.

Sincerely,



Catherine Hess, Chief  
Permits Administration Section  
Office of Water Quality

Slj/  
Enclosures

cc: Warrick County Health Department  
IDNR, Division of Reclamation

ATTACHMENT 1

**Aigner Construction AML Site 196- Floyd Cemetery**

NPDES PERMIT NO. ING040248

EFFECTIVE DATE: **June 1, 2010**

**OUTFALLS PERMITTED FOR THIS FACILITY**

OUTFALL	DNR BASIN	LATITUDE	LONGITUDE	MINE DRAINAGE STATUS	RECEIVING WATER
001	N/A	38°, 07', 32"	87°, 12', 13"	N/A	Unnamed tributary to Barren Fork Creek



STATE OF INDIANA  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

PUBLIC NOTICE NO. 2010 – 5D -GP

DATE OF NOTICE: May 14, 2010

The Office of Water Quality issues the following NPDES GENERAL PERMIT.

**NEW**

**AIGNER CONSTRUCTION AML SITE 196 – FLOYD CEMETERY**, Permit No. ING040248, WARRICK COUNTY, Boonville, IN. This facility will discharge non-process wastewater from an abandoned coal mine reclamation site to an unnamed tributary to Barren Fork Creek. The Notice of Intent (NOI) letter submitted complies with the requirements in 327 IAC 15-7, Facilities Engaged in Mining of Coal, Coal Processing and Reclamation Activities. Permit Writer: Sheri Jordan at 317/232-8703.

**PROCEDURES TO APPEAL**

General Permit documents are available for inspection at IDEM, Office of Water Quality/Permit Section, IGCN, 100 N Senate Ave, Indianapolis, IN, Room 1203, from 9 - 4, Monday-Friday (copies 10¢ per page). The General Permit is also available at the local Health Department. Please tell others you think would be interested in this matter.

**Appeal Procedure:** Any person affected by the issuance of the Final Permit may appeal by filing a Petition for Administrative Review with the Office of Environmental Adjudication within eighteen (18) days of the date of this Public Notice. Any appeal request must be filed in accordance with IC 4-21.5-3-7 and must include facts demonstrating that the party requesting appeal is the applicant; a person aggrieved or adversely affected or is otherwise entitled to review by law.

**Timely filing:** The Petition for Administrative Review must be received by the Office of Environmental Adjudication (OEA) within 18 days of the date of this Public Notice; either by U.S. Mail postmark or by private carrier with dated receipt. This Petition for Administrative Review represents a request for an Adjudicatory Hearing, therefore must:

- state the name and address of the person making the request;
- identify the interest of the person making the request;
- identify any persons represented by the person making the request;
- state specifically the reasons for the request;
- state specifically the issues proposed for consideration at the hearing;
- identify the Final Permit Rule terms and conditions which, in the judgment of the person making the request, would be appropriate to satisfy the requirements of the law governing this NPDES Permit rule.

If the person filing the Petition for Administrative Review desires any part of the NPDES Final Permit Rule to be stayed pending the outcome of the appeal, a Petition for Stay must be included in the appeal request, identifying those parts to be stayed. Both Petitions shall be mailed or delivered to the address here:  
**Phone: 317/232-8591.**

Environmental Law Judge  
Office of Environmental Adjudication  
IGC – North Building- Rm 501  
100 N. Senate Avenue  
Indianapolis IN 46204

**Stay Time frame:** If the Petition (s) is filed within eighteen (18) days of the mailing of this Public Notice, the effective date of any part of the permit, within the scope of the Petition for Stay is suspended for fifteen (15) days. The Permit will become effective again upon expiration of the fifteen (15) days, unless or until an Environmental Law Judge stays the permit action in whole or in part.

**Hearing Notification:** Pursuant to Indiana Code, when a written request is submitted, the OEA will provide the petitioner or any person wanting notification, with the Notice of pre-hearing conferences, preliminary hearings, hearing stays or orders disposing of the Petition for Administrative Review. Petition for Administrative Review must be filed in compliance with the procedures and time frames outlined above. Procedural or scheduling questions should be directed to the OEA at the phone listed above.





Indiana Department of Environmental Management  
NPDES General Permit Notice of Intent (NOI) Letter Submittal Application  
327 IAC 15-7 Facilities Engaging in Mining of Coal, Coal Processing and Reclamation Activities

### I. PURPOSE OF SUBMITTAL:

Please check one box. Also provide existing permit number and reason for modification if applicable. You may attach additional sheets if they are needed.

NEW	RENEW	MODIFY	EXISTING PERMIT NO.	IF MODIFICATION WHAT IS CHANGING
<b>X</b>				

### II. GENERAL INFORMATION

Complete all boxes in sections a and b for name of company and person who is to receive the permit. Complete boxes in sections c, d, e, f, g, h, and i or fill in N/A for non-applicable as they apply for the facility that the permit is to apply to.

a. APPLICANT NAME (TO THE ATTENTION OF)			e. FACILITY SIC CODE		f. FACILITY COUNTY		g. DNR FACILITY NUMBER		
Darren McClellan, Project Manager			1221		Warrick		N/A		
b. APPLICANT'S COMPANY AND COMPLETE MAILING ADDRESS			h. LATITUDE AND LONGITUDE OF APPROXIMATE FACILITY CENTER						
COMPANY NAME Aigner Construction			Latitude			Longitude			
STREET ADDRESS 944 Baker Road Boonville, IN 47601			degree	minute	second	degree	minute	Second	
CITY Boonville	STATE IN	ZIP CODE 47601	38	07	28.25	87	12	22.67	
c. FACILITY NAME			i. FACILITY TOWNSHIP, RANGE, SECTION, QUARTER SECTION						
AML Site 196 – Floyd Cemetery			Township		Range		Section		Quartersection
			T. 4 S		R. 7 W		32		Southeast ¼
d. FACILITY MAILING ADDRESS			j. FACILITY PHYSICAL LOCATION IF DIFFERENT FROM IId						
STREET ADDRESS N/A			STREET ADDRESS N/A						
CITY	STATE	ZIP CODE	CITY	STATE	ZIP CODE				

### III. CONTACT INFORMATION AUTHORIZED SIGNATORY

This section applies to the responsible corporate officer and/or alternate person who is authorized in writing by the responsible corporate officer to carry signatory responsibilities for the facility under 327 IAC 15-4-3 (g). Please complete all boxes or mark N/A for non-applicable. If the signatory is not a corporate officer please also submit the letter from the responsible corporate officer granting him/her this authority.

a. APPLICANT SIGNATORY CONTACT PERSON AND TITLE		d. ALTERNATE PERSON TO ANSWER QUESTIONS	
Darren McClellan, Project Manger		N/A	
b. APPLICANT SIGNATORY CONTACT PERSON TELEPHONE		e. ALTERNATE PERSON'S TELEPHONE	
(812) 305-3886		N/A	
c. APPLICANT EMAIL ADDRESS		f. ALTERNATE PERSON'S EMAIL ADDRESS	
darrenm@aignerconstruction.com		N/A	

#2071  
\$550.00

## IV. CONTACT INFORMATION OTHER:

DISCHARGE MONITORING REPORTS CONTACT AND MAILING INFORMATION		c. <u>CONTACT AND COMPANY NAME</u> <b>Aigner Construction</b>	
<b>Darren McClellan, Project Manger</b>		d. <u>STREET ADDRESS</u> <b>944 Baker Road</b>	
a. <u>CONTACT TELEPHONE NUMBER</u> <b>(812) 305-3886</b>	e. <u>CITY</u> <b>Boonville</b>		
b. <u>CONTACT EMAIL ADDRESS</u> <b>darrenm@aignerconstruction.com</b>	f. <u>STATE</u> <b>IN</b>	g. <u>ZIP CODE</u> <b>47601</b>	
ANNUAL FEE AND FINANCIAL CONTACT AND BILLING ADDRESS		j. <u>COMPANY AND CONTACT PERSON NAME</u>	
<b>Same As Above</b>		k. <u>STREET ADDRESS</u>	
h. <u>CONTACT TELEPHONE NUMBER</u>	l. <u>CITY</u>		
i. <u>CONTACT EMAIL ADDRESS</u>	m. <u>STATE</u>	n. <u>ZIP CODE</u>	
OTHER CONTACT AND MAILING INFORMATION (SPECIFY BELOW)		q. <u>COMPANY AND CONTACT PERSON NAME</u>	
		r. <u>STREET ADDRESS</u>	
o. <u>CONTACT TELEPHONE NUMBER</u>	s. <u>CITY</u>		
p. <u>CONTACT EMAIL ADDRESS</u>	t. <u>STATE</u>	u. <u>ZIP CODE</u>	

**V. RULE QUALIFICATION:**

The purpose of this rule is to regulate wastewater discharges from surface mining, underground mining, and reclamation projects which utilize sedimentation basin treatment for pit dewatering and surface run-off and to require best management practices for storm water run-off.

Does this facility meet these requirements? (please check one) YES ☒ NO ☐

Please provide a brief description of the facility operation that results in the discharge. You may attach additional sheets.

**This Abandoned Mine Land Reclamation Project is being undertaken in accordance with the Surface Mining Control and Reclamation Act of 1977 (P.L. 95-87) and is intended to alleviate the public health, safety and environmental hazards associated with past coal mining activities. A large vertical highwall will be back-filled to a 4:1 slope to eliminate the danger to citizens that these highwalls present.**

**VI. OUTFALL INFORMATION:** Please fill out the following information FOR ALL OUTFALLS

[illegible]



**VII. OUTFALL INFORMATION FOR MODIFICATIONS:** Please provide the following if this is a request to ADD, DELETE, or CHANGE MINE DRAINAGE STATUS of one or more outfalls:

a. IDEM OUTFALL NO.	b. DNR BASIN NO.	c. DEL, ADD, or CHANGE	d. DATE OF CHANGE	e. REASON FOR THE CHANGE: EXPLAIN IN DETAIL AND ATTACH CONFIRMING DOCUMENTATION IN THE FORM OF INSPECTORS REPORTS, LAB DATA, ETC.

**VIII. TOPOGRAPHICAL MAP**

A topographical map must be submitted with this application. The map must include the following items:

- (A) the location of the coal mining operation, including contiguous facility property lines, shown clearly and identified by name and by mark;
- (B) the location of each numbered outfall shown clearly and identified by number and by mark;
- (C) the receiving streams and tributaries to them that each outfall discharges to shown clearly and identified by name;
- (D) any existing permanent structures or roads in the area shown clearly and identified by name.

Please attach this completed map to the application and submit both together.

**IX. PROOF OF PUBLICATION**

It is required that a public notice statement be published in a newspaper of largest circulation in the area where the discharge(s) will be occurring. This publication must be in the newspaper for a minimum of one day and must include the following language: (your facility name, address, address of the location of the discharging facility, and the streams receiving the discharge(s)) "is submitting a Notice of Intent letter to notify the Indiana Department of Environmental Management of our intent to comply with the requirement under 327 IAC 15-7 to discharge wastewater associated with the mining of coal, coal processing and /or reclamation activities. Any person aggrieved by this action may appeal in writing to the Environmental Law Judge of the Office of Environmental Adjudication for an adjudicatory hearing on the question of whether this facility should operate under this NPDES general permit rule. An appeal must be postmarked no later than fifteen (15) days from the date of this public notice. Such a written request for an adjudicatory hearing must:

- (A) state the name and address of the person making the request;
- (B) identify the interest of the person making the request;
- (C) identify any persons represented by the person making the request;
- (D) state with particularity the reasons for the request;
- (E) state with particularity the issues proposed for consideration at the hearing; and
- (F) state with particularity the reasons why the NPDES general permit rule should not be available to the discharger identified in this notice.

Any such request shall be mailed or delivered to:  
 Office of Environmental Adjudication  
 Indiana Government Center – North  
 100 North Senate Avenue, Room N501  
 Indianapolis, Indiana 46204"

Please attach proof of publication of this statement from the newspaper to the application and submit both together.

**X. POTENTIALLY AFFECTED PERSONS FORM**

Pursuant to IC 4-21.5 it is required that a Potentially Affected Person form be completed and submitted with this application. The form and instructions are attached.

Please fill out this form in its entirety and submit it with the application.

**XI. REQUIRED FEES:**

A \$50 application fee is required to be submitted with applications for new permits, permit modifications, and permit renewals in accordance with IC 13-18-20-12. In addition the \$500 annual fee is required to be submitted for NEW APPLICATIONS at the time of submitting the application.

Please list amount submitted \$ 550.00, attach to and submit with application. Checks or money orders shall be made payable to IDEM.

**XII. NOTIFICATION OF INDIANA DEPARTMENT OF NATURAL RESOURCES**

It is required in all circumstances that a copy of this application is sent to the Indiana Department of Natural Resources (IDNR) Division of Reclamation in Jasonville, Indiana.

Please forward a copy of this application as is required and identify the party to whom it was addressed and the date that it was mailed: Kit Turpin 3/10/2010

**XIII. CERTIFICATION STATEMENT**

It is required by 327 IAC 15-4-3(g)(3) that the following statement shall be included in the application. The authorized signatory representative (as defined by 327 IAC 15-5-3(g)(2) and identified in item IIIa above) makes the following certification by signing and dating this section of the application below:

"I certify under penalty of law that this document and all its attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**Darren McClellan - Project Manager**

Name and official title (type or print)

**(812) 305-3886**

Area Code and phone No.

Darren McClellan

Signature

03/16/10

Date signed

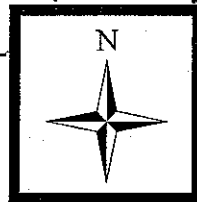
Submit completed form and attachments to the following address:

**Indiana Department of Environmental Management  
Office of Water Quality – Mail Code 65-42  
NPDES Permits Section  
100 North Senate Avenue  
Indianapolis, Indiana 46204-2251**



## Boonville, Indiana





CR. 650 N.

Receiving Stream:  
Barren Fork

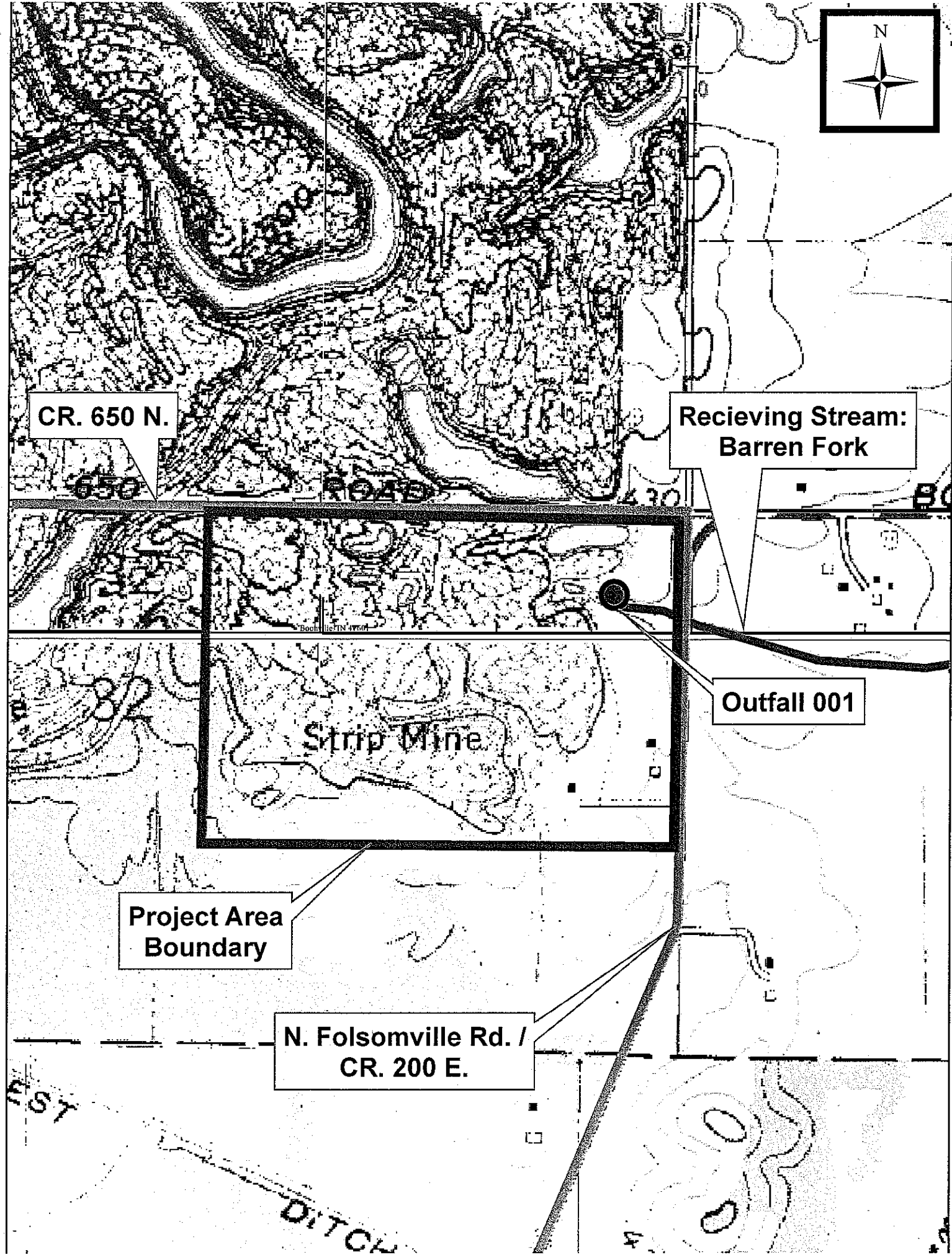
Strip Mine

Outfall 001

Project Area  
Boundary

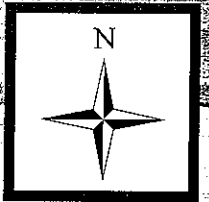
N. Folsomville Rd. /  
CR. 200 E.

DITCH









CR. 650 N.

Receiving Stream:  
Barren Fork

Outfall 001

Project Area  
Boundary

N. Folsomville Rd. /  
CR. 200 E.

